

56-008 CONTINUING EDUCATION.

56-008.01 General Requirements for Licensee. On or before March 1, 1987, and on or before March 1 of each odd-numbered year thereafter, each Dentist or Dental Hygienist who is licensed in the State of Nebraska shall as a condition for renewal of his/her license:

56-008.01A Complete 30 hours of acceptable continuing education during the preceding 24 month period; no more hours than the total number of acceptable hours offered in Nebraska shall be required during this period;

56-008.01B Submit to the Department an affidavit of continuing education hours. The affidavit may be submitted on a form provided by the Department or on an alternate format. The completed affidavit must include the following information:

1. The topic of the program;
2. Name of provider;
3. Location of continuing education;
4. The date(s) of the program; and
5. The number of hours received for the program.

56-008.01C Be responsible for:

56-008.01C1 Maintaining in his or her personal files such certificates or records of credit from acceptable continuing education activities attended. Types of programs acceptable for continuing education credit include:

1. State and National meetings, i.e., a meeting of the local, state, or American Dental Association, local, state, or American Dental Hygiene Association, National Dental Association, and/or educational programs sponsored by the recognized specialty groups in dentistry of the American Dental Association;
 - a. One hour credit for each hour of attendance, and only the portion of such meeting which meets the definition of continuing education can be accepted for credit.
2. District meetings and Study Clubs. In order to qualify as a Study Club in the State of Nebraska, the Dental Study Club must have a charter or constitution, officers, and consist of at least four licensed members. The Study Club must submit a list of meetings, including length, date and topics by March 1 of the reporting period.

- a. One hour credit for each hour of attendance, and only the portion of such meeting which meets the definition of continuing education is acceptable for credit.
3. Formal education courses which relate directly to the practice of Dentistry or Dental Hygiene;
 - a. One hour credit for each hour of attendance.
4. University-sponsored courses in continuing education in dentistry or dental hygiene;
 - a. One hour credit for each hour of attendance.
5. Licensee acting as table clinician or lecturer to licensed dentists, licensed dental hygienists or dental auxiliaries or licensee attending table clinics; and
 - a. One hour credit for each hour of presentation or attendance; and
 - b. Allowable credit for table clinics limited to two hours per 24 month renewal period.
6. Home study with testing mechanism. Licensee may complete a maximum of ten hours of the continuing education requirements by home study during each 24 month renewal period. If there is not a testing mechanism or certificate of completion, the licensee must submit an abstract or resume of the material covered to the Board of Examiners. Said abstract or resume must be written by only the licensee and will be reviewed by members of the Board's subcommittee on continuing education;
 - a. One credit hour for each hour of study; no more than ten credit hours of this type of continuing education may be counted within a 24 month period.
7. Direct clinical observation.
 - a. Allowable credit limited to five hours per 24 month renewal period.

56-008.01C2 Maintaining documentation of presentation of an acceptable continuing education program. A presenter may receive credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program;

56-008.01C3 Submission of an application for waiver of the education requirement pursuant to 172 NAC 56-008.04.

56-008.02 Criteria for Acceptable Continuing Education Programs.

56-008.02A In addition to meeting the specifications for type of program outlined in 008.01C, to be acceptable for license renewal, a continuing education program must also meet the following criteria:

1. The program must be at least one hour in duration;
2. The program's topic and/or objectives must relate directly to the theory or clinical application of theory pertaining to the practice of Dentistry or Dental Hygiene;
 - a. For Dental Hygiene programs related to behavior modification, patient management, competence assurance and standards of practice are acceptable, but these courses may not constitute more than ten credit hours of the total 30 hours required per 24 month renewal period;
 - b. Examples of nonacceptable subject matter include, but are not limited to, practice management programs.
3. The presenter of the program must be qualified by education, experience or training; and
4. Programs must be open to all Dentists or Dental Hygienists licensed in Nebraska, except when:
 - a. Participation in such programs may be restricted if there is a legitimate reason such as a required knowledge base. Approval of this restriction is at the discretion of the Board.

56-008.03 Approval of Continuing Education Programs. Either a provider or a licensee may apply for approval of a continuing education program. Such approval is granted by the Department and means that the program has been determined by the Board to meet the criteria for acceptable continuing education. Approval prior to the biennial renewal date is optional but is provided by the Board as a service to providers and/or licensees who wish to determine if a program meets the criteria for acceptable continuing education.

56-008.03A The provider may submit information about the continuing education program to the Board on an application provided by the Department or on an alternate format. Only applications which are complete will be considered.

56-008.03A1 The following information must be included in the application:

1. A description of program content and/or objectives;
2. A general description of the qualifications of each presenter;
3. The number of hours for which approval is requested;
4. The name, address, and telephone number of the provider's program planner;

5. A description of the process the provider uses to verify attendance by the licensee;
6. A sample copy of the documentation the provider issues to the licensee as proof of attendance at the program; and
 - a. Certificates verifying attendance at approved courses must contain at least the following information:
 - (1) Name of the course;
 - (2) Name of the provider;
 - (3) Name of the licensee who attended the course;
 - (4) Number of credit hours earned (actually attended) by the licensee; and
 - (5) Date(s) the course was attended by the licensee.
7. Location of program.

56-008.03A2 The provider may submit such additional documents or information as considered relevant to the application and in compliance with the provisions 172 NAC 56.

56-008.03A3 The provider must submit a complete application to the Department at least 45 days prior to the date on which the program is to be given to gain approval before the program is presented.

56-008.03A4 Once a provider is granted approval for a continuing education program, re-approval shall not be required for each subsequent occasion on which the program is administered so long as the program is not changed or the laws and regulations governing continuing education are not changed. If any portion of the program is changed, reapplication must be made in accordance with 172 NAC 56-0018.03 if continued approval is desired.

56-008.03A5 After being granted written approval of the application, the provider is entitled to state upon any publication which advertises or announces the program, the following statement: "This program is approved for ___ hours of continuing education by the Nebraska Department of Health."

56-008.03A6 Post-Program Approval Requested by Provider. Applications for approval of a continuing education program may be made after the program has occurred.

56-008.03B A licensee may request approval of a continuing education program before or after the date the program is offered by submitting the information as specified in 172 NAC 56-008.03A1 items 1 through 7.

56-008.03C Denial of Continuing Education Programs.

56-008.03C1 The Department shall, upon the recommendation of the Board, deny an application for approval of a continuing education program or shall

suspend or revoke approval of a continuing education program on any of the following grounds:

1. Fraud or misrepresentation of information in an application; or
2. The program fails to meet the criteria for acceptable continuing education set forth in 172 NAC 56-008.02.

56-008.03C2 An application for approval of continuing education programs may be approved or denied. Should an application for a continuing education program be denied, the applicant shall be sent a notice setting forth the reasons for the determination by either certified or registered mail to the last address of record in the Department.

56-003.03C2a Denial of an application submitted by a provider shall become final 15 days after the mailing of the notice unless the provider, within such 15 day period, shall give written notice to the Department of a desire for hearing. The hearing shall be conducted in accordance with Chapter 84, Article 9 and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

56-008.04 Waiver of Continuing Education. The Department, on the recommendation of the Board, may waive the continuing education requirements, in whole or in part, for any two year license or for the period of time when a licensee submits documentation that circumstances beyond his or her control prevented the completion of such requirements.

56-008.04A Such circumstances shall include situations in which the licensee:

1. Is a legal resident of another state, territory, or the District of Columbia and has not practiced as a dentist or dental hygienist in the State of Nebraska during the 24 months immediately preceding the license renewal date; or
2. Has been in the service of the regular armed forces of the United States during any part of the 24 months immediately preceding the license renewal date; or
3. Has been suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the 24 months immediately preceding the license renewal date; or
4. Has been first licensed within 24 months immediately preceding the renewal date.

56-008.04B Application for Waiver of Continuing Education. Any licensee who seeks a waiver of continuing education, in part or in total, for any two year licensing period shall apply to the Department. The Department, on the recommendation of the Board, may waive continuing education requirements in part or in total for any two year period. The licensee must submit:

56-008.04B1 A verified complete application for waiver of continuing education on a form provided by the Department or on an alternate format. Only applications which are complete will be considered, and the application must be received by the Department on or before March 1 of the year the license is subject to renewal. The application must include the following information:

1. Name of the licensee;
2. License number;
3. State and county where the person signing the affidavit is located;
4. Number of continuing education hours requested to be waived;
5. Reason for requesting a waiver; and
6. Notarized statement from the applicant that the statements on the application are true and complete.

56-008.04B2 Documentation of the circumstances beyond the licensee's control which prevented completion of continuing education requirements as set forth in 172 NAC 56-008.04A shall include the following:

1. If the licensee holds a Nebraska license but has not resided in Nebraska or practiced in Nebraska during any part of the preceding 24 months, he/she must indicate this waiver option on the application; or
2. If the licensee has served in the regular armed forces of the United States during part of the 24 months immediately preceding the license renewal date, he/she must indicate this waiver option on the application and submit official documentation stating the dates of such service; or
3. If the licensee has suffered from a serious or disabling illness or physical disability which prevented completion of the required number of hours of continuing education during the 24 months immediately preceding the license renewal date, he/she must indicate this waiver option on the application and submit a statement from a treating physician(s) stating that the licensee was injured or ill, the duration of the illness or injury and of the recovery period, and that the licensee was unable to attend continuing education programs during that period; or
4. If the licensee was first licensed within the 24 months immediately preceding the license renewal date, he/she must indicate this waiver option on the application and list the date said license was issued.

56-008.04C The Department, on recommendation of the Board, may grant or deny, in part or in total, an application for waiver of continuing education requirements, upon proof that circumstances beyond the applicant's control prevented completion of such requirements.

EFFECTIVE DATE
January 29, 2001

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

172 NAC 56

56-008.04C1 When the Department determines to deny an application for waiver of continuing education requirements, it shall send to the applicant by certified mail to the last name and address of record in the Department, a notice setting forth the reason for the denial determination.

56-008.04C1a The applicant has 15 days from the date of receipt of the denial notice to make a written request to the Department for an appeal. The appeal shall be conducted in accordance with The Administrative Procedures Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

56-008.04C1b The Department will issue at the conclusion of the appeal under 184 NAC 1, a final order setting forth the results of the appeal.

56-008.04C2 When the Department determines to grant a waiver of continuing education, the applicant will be notified within 30 days of receipt of the application.

56-008.05 Audit of Continuing Education. The Board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee shall be responsible for maintaining in his/her personal files such certificates or records of credit from acceptable continuing education activities. Licensees selected for audit shall be required to produce documentation of his/her attendance at those continuing education activities listed on his/her renewal application.

56-008.05A The Department will send to each licensee selected for audit a notice of audit.

56-008.05B When selected for audit, the licensee must provide satisfactory documentation of attendance at or participation in the acceptable continuing education activities listed on the licensee's sworn affidavit.

56-008.05C Failure to comply with the audit may be grounds for non-renewal of the license.